

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-CR-00121-RJC-SCR

USA

v.

JOSE DANNY ARGUETA (2)

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 821 to the United States Sentencing Guidelines. (Doc. No. 1371).

Part A of the Amendment is retroactive and amended USSG §4A1.1 to limit the impact of status points on criminal history category. USSG §1B1.10(d), comment. (n.7). Part B, Subpart 1 of the Amendment is retroactive and created a two-level decrease if a defendant meets all the criteria in USSG §4C1.1(a), including having zero criminal history points. USSG §1B1.10(d), comment. (n.7).

Here, the Court determined the defendant had two criminal history points, but no status points. (Doc. No. 603: Presentence Report ¶ 39). Additionally, he possessed a firearm in connection with the offense. (*Id.* ¶ 11). Thus, neither part of the Amendment lowers his criminal history points or offense level and he is not eligible for relief. USSG §1B1.10(a)(2)(B).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: February 4, 2025



Robert J. Conrad, Jr.
United States District Judge

